

# Different Texts for Different (Legal) Languages: In Search of a New Approach

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## Abstract

This paper explores new methodologies that could render non-specialists' approach to legal language easier and more stimulating, thereby helping them achieve a better understanding of this specialized language. As testified by the constant growth of plain English movements and fight the fog campaigns, there is an increasing need for a more exhaustive understanding of legal language, with which every individual interacts in his/her life, regardless of his/her status and/or profession. This article thus exploits audio-visual materials and, partly, comics that translate intersemiotically the language used in various legal contexts, demonstrating, on the one hand, the intrusion of legal language in everyday life and, on the other, suggesting the usefulness that audio-visual and graphic products which popularize this language can acquire in a teaching/learning environment. This paper is actually based on two courses I held at the University of Parma, Italy, in 2016-2017 and 2017-2018 for undergraduates reading modern languages, and outlines some of the activities which were used during the courses, and which have proven useful to students approaching for the first time the study of English for Specific Purposes.

**Keywords:** Legal language, Intersemiotic translation, Intralinguistic translation, Comics

## 1. Introduction

### 1.1 Legal Language: Between Specialization and Popularization

Despite the fact that specialized languages have long been perceived as the realm of an *élite*, very often non-specialists and ordinary people come across them in their daily lives, for example in the contracts they stipulate with various companies and institutions. Furthermore, in recent times, there has been an astounding increase in the number of audio-visual and graphic products which either focus on legal language (as with legal dramas such as *The Good Wife* and comic series like *Public Defender in Action*) or introduce it *a latere* in their narratives, which however focus on different topics (as in the case of mystery dramas such as *Midsomer Murders* or comics like *Daredevil*). As a result, this type of specialized language intrudes prominently in people's lives. Simultaneously, these same products, in translating legal language intersemiotically, make it more popular and, since they often adopt strategies of intralingual translation too, they render it more accessible, making the general audience partially aware of its mechanisms (see Canepari, 2013). Clearly, although some features of specialized languages are maintained during these translation processes, many others are necessarily adapted to the different medium and translated into a language which appears much closer to everyday speech and writing.

For instance, by amplifying and translating into plain English legal terms and expressions, these products often become examples of what has been defined as “edutainment”, and although their main function is to entertain their receivers, their educational value, albeit incidental (Dash 2013), can be fruitfully exploited in a learning environment.

### 1.2 Aims and Methodology

The purpose of this article is therefore to analyze these materials and investigate new methodologies that can render non-specialist students' approach to specialized discourse original and stimulating.

As mentioned above, this paper is based on two 36-hour courses I held at Parma University for third-year students initially possessing a C1-- level of English and is part of a larger research project whose results will soon be published in the (forthcoming) volume *Specialized Languages and Graphic Art*. As such, the article outlines some of the activities that the students attending my courses were asked to complete, focusing in particular on audiovisual products and, marginally, on comic art, in an attempt to bring to the fore the various translation issues which the process of popularization entails and which could be fruitfully exploited in teaching ELP courses.

The notion of translation on which this article rests is thus fairly broad, in that, generally speaking, it is difficult, if not impossible, within the legal domain, to find particular books translated into specific fictional products. Rather, we could identify the source with a more general notion of text, intertextually composed of different extracts originally belonging to different works. In spite of this, the theoretical analysis of various specialized languages can benefit from this perspective, since it renders the study process less abstract and more motivating for students, helping them lower the affective filters which, as first claimed by

Dulay and Burt (1974), play a major role in second language learning and acquisition (see for instance Krashen, 1981 and Arnold, 2001). This kind of analysis can also show how notions such as “monoreferentiality” and “transparency”, to cite but two of the general features often ascribed to specialized languages (Gotti, 2005), are not simply abstract ideas but tangible elements which shape and mould the language produced by real speakers.

Naturally, in the filmic texts under analysis, it is not possible to talk of “spontaneous speech”. This is due to the fact that not only the language of narration (which might be present as voice-over or descriptions, commentaries, analepses or prolepses uttered by the characters themselves), but also the language found in the dialogues, originates as a language initially written by the scriptwriter to be then spoken by actors in the intersemiotic translation of the source text. However, also in these products, we often find features typical of spoken language, as they clearly imply the presence of the “voice”, which entails prosodic elements such as intonation, pitch, stress, pace, etc. (all features that can perform, also in these fictional products, different functions. See: O’ Connor & Arnold, 1961; Brazil, 1985). Furthermore, most of the time the language used in these fictions is equally characterized by the following features: lower lexical density (justified by the notion of popularization from which these products stem); the spoken grammar described for instance by McCarthy (1998); by such phenomena as re-lexicalization (McCarthy & Carter, 2001) and repetition, typical of spoken language (Persson, 1974; Tannen, 1989; Bublitz, 1989), as well as the representation of a turn-taking system that attempts to mimic as accurately as possible the way in which communicative exchanges are organized in real life.

It is precisely the presence of speech, and the visual aspects that television reproduces (namely those elements pertaining to the grammar of visual design discussed by Roberts and Philip in 2006, i.e. color choices, shot length, body language, gaze behavior, etc.) which, in television, act in synergy with other features of audiovisual products such as music. The result is therefore a dynamic, albeit fictional, representation of the world, in this specific case that of the courtroom.

Clearly, in order to exploit these products in a teaching environment some adjustments were necessary: indeed, what we see on television screens is obviously marked, step by step, by its fictionality and usually appears much neater than what actually happens in real courtrooms (Note 1). Thus, it was important to constantly underline the fictionality of these products in order to prevent over-enthusiastic students from taking “fiction” for “reality”, “culture” for “nature” and to emphasize that the actants’ strategies on screen, as well as the intonation patterns they adopt, are modulated not only on the intradiegetic (Genette 1972) needs of the show itself, but are very often calibrated with the extradiegetic viewer in mind, the latter being the main interactant of the media product itself (Note 2).

This holds true also in the case of comics, where the semantic and pragmatic functions of language are equally present, despite the fact that, consisting of still images, they offer a static representation of reality. Yet, comics are characterized by various elements that enable them to come closer to audiovisual products, thereby suggesting a dynamic depiction of scenes. For instance, the sequentiality of their framed images evokes actual motion and the passing of time;

the presence of the visual and its interaction with verbal communication render their language context-bound, in the same way as speech (Halliday, 1985); the dialogues contained in speech and thought balloons suggest real dialogue; in addition, their form and trait allow the introduction, in the written text, of prosodic elements typical of speech, like pitch, pace, etc. Finally, the presence of onomatopoeia creates the illusion of an actual soundtrack. For these reasons, comics can be located at an intersection between printed texts and screen products, thus equally becoming valid tools in teaching/learning environments.

Therefore, albeit with due caution, teachers have the possibility to exploit these fictional products, as well as actual recordings of trials, with a view to helping students grasp some of the main features typical of legal language. This appears particularly beneficial during the initial phase of students' education, when they need to acquire the main mechanisms and the terminology of specialized languages, in order to use (and potentially translate) them effectively.

The utilisation of this kind of product within a class of Italian students studying English for Legal Purposes proved actually fruitful at more than one level, as it was also exploited, after the initial phase, to encourage them to identify mistakes and/or nuances, put forward alternative strategies to those actually adopted in the fictional and/or documentarist audiovisual material they were required to analyze, etc. By doing this, it was possible to emphasize the occupational purposes which, also within the context of English for Academic Purposes, often underlie the study of specialized languages, simultaneously representing an opportunity for students to develop their Higher Order Thinking Skills (Bloom 1956).

As a matter of fact, various categories of non-specialists can benefit from the different forms of translation this paper addresses, since the issue of the difficulty legal language poses to laypeople has been at the core of many scholarly discussions (see for instance Cutts, 2009; Stephens, 2010; Stoop, 2011; Tiersma & Solan, 2012; Tartaglia, 2015; Williams, 2015). Not only this, but institutions such as the European Union, among others, have taken a great interest in the matter, in an attempt to achieve a simplification of legal language (see, for instance, the "Clear writing campaign" launched by the EU early in the 2000s). Indeed, this is an issue that is deeply felt all over the world and is therefore tackled in many different countries, as testified by the *Plain Writing Act* signed by former US President Obama in 2010. The *Act* aimed in fact to "make the rules clearer, more consistent, and more readable – all without changing the meaning" (Kimble 2010: 34) and therefore pointed to the need of a change in the way legal language is used in different corners of the globe (Tiersma & Solan, 2012: 67). If this is so, it is because, as Blömer states, "even well-educated native speakers often find it hard to understand the language used in court" (2015: 4).

The goal of the teaching activities illustrated here, then, is to forge not only a new generation of students and translators within the legal field, but also – and more importantly – future members of society who, by possessing a better knowledge of the workings of legal language, could also achieve a better understanding of the surrounding reality and their place in it, thus acquiring the necessary tools to act in their world and interact with other human beings. This appears particularly important in our times, when education is still far from globalized and the

mobility of the world population often makes communicative exchanges of various types rather difficult (see for instance the statistical data provided by the Council of Europe or the Center for Immigration Studies, online).

The courses briefly described here have proven to be an excellent testing ground for the new approach outlined by the research on which they rest and the students' reactions to the activities submitted during the courses were actually highly positive and resulted in various projects they elaborated for their final exams and in numerous final dissertations.

As anticipated above, by exploiting documentaries, videos of real trials, television series and comics, all of which focus on legal language, the courses proved useful at different levels. In the first place, these materials made the students appreciate the value of intersemiotic translation within the field of specialized languages and made them aware of the bearing legal language has in everyday life. Moreover, they helped students acquire some of the basic features of legal language, and enabled them to realize the vital role that intralinguistic translation can play both within and without specific learning environments such as Universities.

### *1.3 The Corpus of Analysis*

Selecting the corpus was, as always, a very delicate and crucial process. In this particular case, the choice of what to include and what to exclude was particularly difficult because of the proliferation of films and television series that – after some original experiments such as *Perry Mason* – have focused on legal language, not to mention all those products, such as crime dramas, where legal language, while not being the main focus, is nevertheless present.

What follows is clearly the result of a process which was determined, step by step, by decisions that were personal (and therefore subjective and partial), but considered as being potentially useful for further elaboration.

Naturally, the use of documentaries and real audiovisual materials was fundamental. However, having identified the target as third year undergraduates or equivalents, on the outset it was very constructive to present products which, while not coinciding with actual situation comedies, displayed humoristic aspects that were considered useful in lowering the students' affective filters, and thus more motivating.

In the pursuit of this goal, I decided to use a few extracts from the series *Psych* (S1 E12), where the “don'ts” of debates in courtrooms are more than evident, and asked students to provide alternatives to the way the exchange was conducted in the television product under analysis. Students were then asked to compare these scenes to some of the panels from the Marvel comic series *Daredevil*, such as the following:

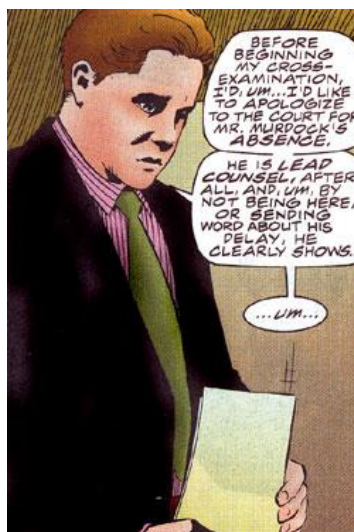


Figure 1. Foggy Nelson, from *Daredevil*

Source: [https://www.toplessrobot.com/2011/05/the\\_13\\_best\\_lawyers\\_in\\_comic\\_books.php](https://www.toplessrobot.com/2011/05/the_13_best_lawyers_in_comic_books.php)

By exploiting products students were likely to have come across before, these scenes, which were strategically utilized during the initial stages of the course, proved extremely stimulating and helped keep under control the anxiety students felt in approaching legal language for the first time. As such, they made the learning process easier, less time consuming and more profound (Fadel, 2008: 12). Not only this, but by being encouraged to note the features typical of speech represented in both the extract from *Psych* and the panel from *Daredevil* (in particular: hesitations, pauses and intonation patterns, indicated in the illustration through specific typographical devices such as capital letters, bold, as well as punctuation marks), students were prompted to discuss further the way that lawyers, during a trial, should address the witnesses and the Court. Moreover, since they were required to provide the intralinguistic translation into plain English of the lexical elements typical of legal language represented in the speech balloons (“cross examination” and “lead counsel”), they adopted amplification strategies in order to explain these words and expressions, thereby assimilating them more easily.

Furthermore, I encouraged students to conduct some research on their own, in order to find online resources that might become useful (corpora of written/spoken texts, but also other products that might have the law and a popular version of legal language as their focus, such as video-games, films, etc.), and which were then either discussed during the courses themselves or developed as individual projects to be presented during the end of course exam or as a final dissertation. This phase was also very fruitful, as students discovered the existence of the video-game series *Ace Attorney* and found various documents such as “Mock Trial Rules of Evidence”, which proved invaluable from a linguistic/translation perspective.

Similarly, since comic and graphic art, as suggested above, has by now infiltrated also the legal field, originating what is normally referred to as “visual law”, during this phase students had the opportunity to retrieve autonomously some of the many products which have recently been published and which I had previously mentioned during the courses: from guides such as



*Comic art, creativity and the law* (Greenberg 2014) or *The illustrated guide to criminal law* (Burney 2018) to comic series such as *The Defender*. The former products generally have an explicit educational value and use comic art as a way of making some of the terminology and basic notions of legal language more comprehensible to a wider audience. On the contrary, the latter, in a similar way to the audiovisual products analyzed here, by representing legal firms and courtrooms, often depict the spoken language used within the field in specific (albeit fictional) contexts without, however, being explicitly marked by a didactic approach.

Among the many products available, then, the following were selected for this study: scenes from various television series (*Bones*, *Drop Dead Diva*, *Law and Order*, *Psych*, *The Good Wife*); recordings from the Jodie Arias trial, the Deborah Moss trial and the Ricky Chavis trial; written extracts from the *Penal* and the *Civil Codes* and some of the panels from the comic book series *Public Defender in Action* (Charlton publishing) and *Daredevil* (Marvel).

Once the corpus of analysis had been established, the courses began by presenting, first of all, the importance that different forms of translation have in the realization of the products that students were likely to be already familiar with.

## **2. Different Forms of Translation and the Popularization of Legal Language**

As mentioned *supra*, although these products often adopt highly specialized terminology, by inserting legal language into audiovisual or comic products, and by providing explanations of various tecnicisms in ordinary English, they might be conceived as intersemiotic and intralinguistic translations of this specialized language. As such, since these translation processes aim to make legal language more comprehensible to the general audience, the products could be understood, at least partially, as the results of the Plain English campaigns mentioned above.

As a matter of fact, throughout history, legal language has often been criticized for its obscurity and difficulty, and it is no coincidence that what we refer to as Plain English campaigns took root in this particular domain. Although the modern Plain English movement was launched during the 1970s, there exist important precedents (Gowers 1951, 1954; Orwell 1946 and, not least, the Statute of Pleading of 1362). Yet, as maintained by Robinson, Greene and Goldstein (1996), the need for two codes – one for the general public and one for those directly involved in the legal process – is increasingly felt.

Indeed, as David Crystal recognizes, “what is needed is a translation exercise with people rephrasing their material to suit the perceived audience need” (Crystal online), which is what lawyers and other practitioners of the law do by means of relexicalizations, repetitions, etc. Given that these strategies are often represented in both television series and comics focusing on legal language, various activities in the courses on which this paper is based aimed to bring to the fore the differences between highly specialized texts and the popular renditions of legal language.

With a view to varying the activities so as to maintain the students’ interest and facilitate their learning process, the coursework exploited written texts, audiovisuals and graphic products, a multimodal approach which has long since been sanctioned by various scholars in the

educational field (Mayer, 1989; Fadel, 2008; Pashler *et al.*, 2008). Both audiovisuals and comics have actually been recognized as facilitators of the learning process (see for instance Clark & Lyons, 2004; Hasset & Schieble, 2007). In particular, as researchers in the medical field have demonstrated, comics increase the readers' engagement, as well as their understanding of the processes described and the language used to describe them (Cooper *et al.*, 2016). Thus, as Carter (2007) maintains, they can become valuable tools in various educational and specialized fields. Consequently, taking into account the findings of Allen and Ingulsrud (2003) and considering that readers of comics are able to comprehend complex notions even without a thorough knowledge of the disciplinary language, comics and audiovisual goods where animated cartoons intrude into the filmic narrative (see for instance *The Good Fight*) appeared particularly relevant to the legal field, where the complexity of the concepts and the language that expresses them often act as barriers for the average receiver.

As Stephens states: "people easily grasp the meaning of a sentence when they can visualize it. They need to see a person or a thing doing something they can act out in their mind's eye" (2012: 103). Hence, even though the scholar is mainly referring here to the use of concrete vs abstract words, it is evident that audiovisual products and comics could be fruitfully exploited as mediating devices.

### **3. Findings and discussion**

This section presents the various phases of the courses on which this paper is based and some of the activities students were required to complete. As illustrated below, throughout the courses, emphasis was laid on the features of legal language introduced by the popular products under discussion and the strategies which, within their intradiegetic fictional worlds, are adopted to the benefit of non-specialist receivers. As will become evident, these strategies can then be effectively adapted by teachers, so as to create a stimulating syllabus whereby non-specialist students can appreciate the workings of legal language and familiarize with its fundamentals.

#### *3.1 The Initial Phases of the Courses*

The first phase of the courses focused on a brief presentation of the various textual typologies which, within the same specialized language, can be identified, not only in terms of the three macro-categories discussed by Danet (1980), but also of other sub-categories connected to issues of register and the purpose(s) of the text. Hence, a variety of written texts (such as contracts) or spoken genres (like jury instructions and verdicts) were presented, together with the main features that characterize them. Moreover, attention was drawn to the fact that, also within a single genre such as "provision", it is possible to encounter various sub-categories (Swales, 1981; Gibbons, 2013), each of which is used in different situations and, by performing different functions, is characterized by different linguistic traits. During this phase, it was also underlined that the various (apparently contradictory) functions of legal language might cause users of this particular variety to disregard not only certain features that normally distinguish specialized language (i.e. conciseness), but also (especially when legal language is used in its spoken form), the principle of cooperation which, according to Grice (1975), should govern every communicative exchange, resulting in over informative, redundant and obscure texts.



Naturally, emphasis was laid on the general features which, despite the differences entailed by each genre and subgenre, various scholars (Gustafsson, 1975; Swales & Bhatia, 1983; Crystal 1999) have identified as typical of English legal language.

With a view to identifying the students' prior knowledge and their understanding of legal language, as well as monitoring their progress, during this phase they were asked to fill in a questionnaire and complete some brief activities. Thus, questions such as: "When signing a contract with a phone provider do you normally read and understand all the clauses?"; "When renting a flat can you understand the terms of the contract/deed?".

During the questionnaire, students were also asked to read the extract below (figure 1), taken from a textual type with which they were likely to be already conversant (i.e. car insurance contracts) and answer some simple questions like: "What must an insurer do in order to render the contract valid and binding?"; "When is an insured party entitled to payment?"; "What does the expression 'grace period' mean?"

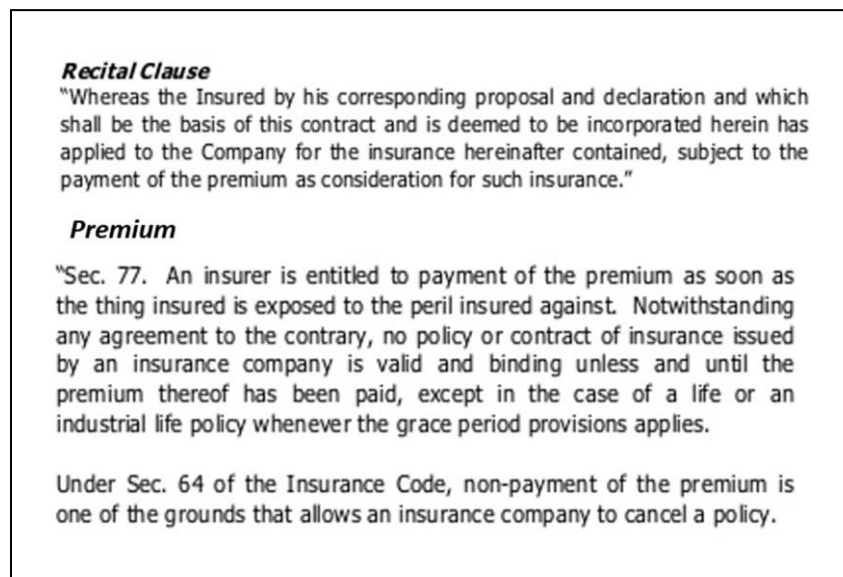
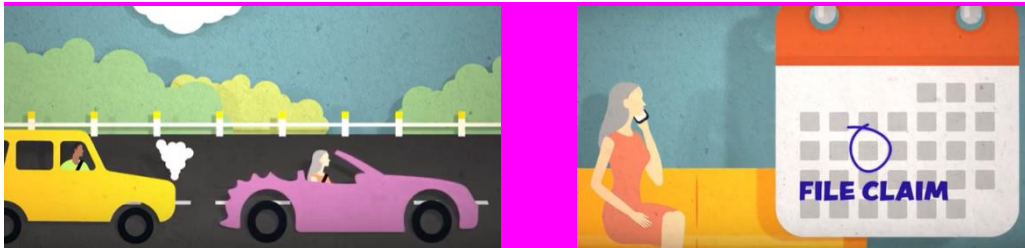


Figure 2. Example of motor car insurance

Source: <https://www.slideshare.net/junfalcon/introduction-to-non-life-insurance-short-course>

In order to facilitate the students' comprehension of the written text above, I also provided a visual account of the different steps which forwarding an insurance claim entails (online), where the fundamental notions of car insurance policy (such as "grace period") were explained in graphic form:



Figures 3 and 4. Filing a car insurance claim

Source: [www.allstate.com](http://www.allstate.com)

On the basis of the texts introduced during the questionnaire, I used other extracts from various documents to illustrate some of the characteristics which written legal language commonly shares with the language spoken in the courtroom. For instance, I organized some initial activities based on the following written text:

CHAPTER I  
1. This Ordinance may be cited as the Penal Code, and is generally referred to *hereinafter* as “this Code.”

CHAPTER III  
OF PUNISHMENTS

52. The punishments to which offenders are liable under the provisions of this Code are Firstly- Death. Secondly- Imprisonment, which is of two descriptions, namely- (a) rigorous, that is, with hard labour; (b) simple. Thirdly- Whipping. Fourthly- Forfeiture of property. Fifthly- Fine.

53. Sentence of death *shall* not be pronounced on or recorded against any person who, in the opinion of the court, is under the age of eighteen years; but, *in lieu* of that punishment, the court *shall* sentence such person to be detained during the President's pleasure.

54. Sentence of death *shall* not be pronounced on or recorded against any woman who is found in accordance with the provisions of section 282 of the Code of Criminal Procedure Act No. 15 of 1979, to be pregnant at the time of her conviction, but, *in lieu* of that punishment, the court shall sentence her to imprisonment of either description for life or for any other term. (*The Penal Code*, online);

OF TORTS AND QUASI-TORTS  
*Fortuitous* damage.

1030. Any person who makes use, within the proper limits, of a right competent to him, *shall* not be liable for any damage which may result *therefrom*. [...]

1032. (1) A person *shall* be deemed to be in fault if, in his own acts, he does not use the prudence, diligence, and attention of a *bonus paterfamilias* [...] (online),

Figure 5. Extracts from the Penal Code

Source: <https://www.refworld.org/pdfid/4c03e2af2.pdf>

Students were therefore asked to recognize the features that have often been indicated as typical of specialized languages, such as: numerals, complex subordinate and coordinate constructions, lists of events and/or items, words of Latin origin, deontic “shall”, archaic expressions, fixed and formulaic language, also in Latin, auto-referentiality, absence of personal pronouns, French expressions and words of French origin, etc., all features that conform to the description of legal language provided by scholars such as Tiersma (1999), Haigh (2004) and Butt (2013) among others.

Furthermore, anticipating the following phase of the courses, mainly focused on spoken legal language, as represented in audiovisual products set in the courtroom, I presented other written texts such as the following:

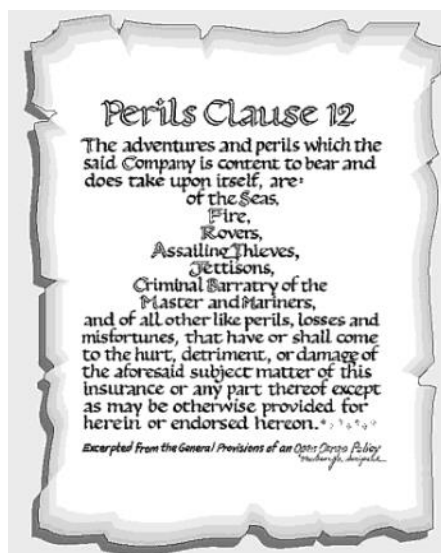


Figure 6. *Perils Clause*

Source: [https://media.wiley.com/product\\_data/excerpt/82/04704646/0470464682.pdf](https://media.wiley.com/product_data/excerpt/82/04704646/0470464682.pdf)

I then asked students to identify some of the features which, while typical of the written language previously analyzed, are likely to be absent in the spoken language represented in television products (in this instance: the use of capital letters, the relative lack of punctuation and other features typical of writing, all features which, even in the written mode, have recently undergone amendments). Indeed, these elements are represented on screen with some difficulty and only when the ocularization of the camera (Schlickers, 2009: 249) lingers on the written texts that lawyers are reading or showing to the jury or other parties present in the courtroom during trial.

A table was then created and shared with the class group, where students were asked to insert, in an orderly and systematized fashion, the various features identified as typical of written legal language.

### 3.2 *Representing the Language of the Courtroom*

During the following phase, students were asked to recognize at least some of the same features identified during the first phase of the course in the spoken language used in the courtroom represented in various audiovisual and comic products.

Here, the notion of Needs Analysis became paramount, not only because teachers should design a syllabus catered to students' actual needs, but also because this approach was recognized to be at the very heart of many fictional goods that attempt to translate intersemiotically various specialized languages. As mentioned above, many of the elements we can find in the television products under analysis – from the technical terms adopted to the

intonation patterns of the actors on screen, reproduced, at least partially, in comics through punctuation, typographical devices and speech balloons, which can be characterized by different shapes and types of outline) – are determined both by intradiegetic and extradiegetic necessities.

Borrowing Halliday's reasons for writing and reading (1985) and adapting them to the texts analyzed here, we can state that the latter are created to give/receive information, offer/obtain entertainment and, at least partially, to orient the receivers' actions. From a general point of view, then, the aim is not to offer an in-depth knowledge of a particular specialized field, but to enable viewers to acquire a communicative competence (Hymes, 1972) in sectors which, until recently, were considered the prerogative of specialists. As such, these products appear inevitably watered down, precisely because they are effectively adjusted to a Needs Analysis, in that the amount of information offered and the level of specialization are calibrated according to the learner's (in this case the mass audience's) needs. Yet, because of this, they can be easily adopted and integrated into a syllabus designed according to the parameters set out by Needs Analysis, as described for example by Munby (1978) and Hutchinson (1980, 1981, 1987).

For instance, very often the protagonists of the television series under survey assume the role of "ESP practitioners as teachers", as discussed by Dudley-Evans and St. John (1998: 13), whereas other characters act the part of pupils or laymen, thereby justifying the explanation of many specialized notions within the filmic narrative. Thanks to the process of identification typical of television and cinematographic products, the extradiegetic receivers similarly posit themselves as learners, while being entertained. Consequently, just as within the series the intradiegetic "pupils" evolve and gain a higher awareness of the discipline on which the show is focused, so the viewers in the extradiegetic world mature with them (Note 3).

Obviously, teachers will need to assess the extent to which general definitions of specialized languages can be adapted to the analysis of the selected corpus and decide from which perspective (in terms of top-down vs bottom-up) they choose to approach the issue. For instance, these products can be exploited to make the distinction between English for Academic and Occupational Purposes clear. Furthermore, in addition to providing an analysis of the micro-linguistic choices which the characters make step by step during the various communicative situations they encounter on screen, these fictions can become useful also in identifying the various activities that solicitors, barristers, etc. have to perform (for instance meeting and interviewing clients, instructing barristers, etc.). For this reason, they give teachers the opportunity to emphasize the differences that the English language establishes between one legal professional and the other, thereby specifying as precisely as possible some of the notions at the very basis of the English legal system. Moreover, different episodes from the same series or from different shows can be used to illustrate the differences between civil and criminal law, and, within these two macro-categories, at least some of the sub-categories they encompass (contract case, tort case, etc.). These notions in fact acquire a fundamental importance not only for law students but also, as my experience demonstrates, students of foreign languages who might go on to work within the legal field as translators and/or interpreters.

Thus, by showing scenes from *Law and Order* (S10 E12), it was possible to focus students' attention on the way the spoken language of the courtroom differs from written legal language. Indeed, in the brief examples analyzed earlier, the absence of personal pronouns (discussed for instance by Butt, 2013: 278 and Scotto di Carlo, 2015: 38), the use of impersonal constructions etc. comply with the general features of specialized languages such as the lack of emotivity and impersonality (Gotti, 2005). In the audiovisual products under study, however, the emotive nature of the language to which lawyers often resort in the courtroom emerges in all its force. This is a much more informal language, which is characteristic not only of the Settlements and the Plea bargainings habitually discussed among lawyers before trial, but also of the Closing Arguments discussed in Court. In addition, questions (which are on the contrary absent in the written form), are usually exploited as a means to raise the emotive nature of the witnesses' or the defendants' contributions and, especially in the case of yes/no questions, to elicit particular answers from the interlocutor, thereby piloting the communicative exchange in one direction as opposed to another.

Obviously, due to its nature as a process (Halliday, 1985), spoken language is generally less precise than the written, and very often the ambiguity and imprecision on which it relies have strategic ends. Thus, brief scenes from various TV shows (for instance *The Good Wife*, S1 E6, 00:21:12-00:35:56) proved useful to show how lawyers exploit ambiguity to their own advantage, which is clearly to win the case. It is precisely this aspect which justifies the use of highly ideological lexical items that have more in common with propagandistic varieties than with written legal language which, on the contrary, endeavours, like all specialized languages, to be objective and neutral. Thus, whereas the latter is mainly performative, the language spoken by lawyers in Court is often conative and, to this end, might exploit strategies such as connotation, intertextuality, irony, rhetorical questions and the use of metaphors (all elements which, being profoundly culture-bound, might be worded differently in another language).

In point of fact, as discussed below, the materials analyzed during the courses were also used to introduce the important issue of metaphor in legal language (see Distanto, 2007), thereby justifying the special status legal language acquires within the broader category of specialized languages.

Further examples taken from the series *Bones* (S1 E8, 00:29:36-00:28:56) were used to show how lawyers resort to re-lexicalization to help the jury better comprehend the object of discussion, and how they exploit yes/no questions to incite the exchange towards the version of the events they want to be acknowledged as the truth.

Thus, in order to further exemplify this feature of spoken legal language, I showed some panels taken from the comic series *Daredevil*, where the lawyers' tendency to orientate the answers of the witness in a specific direction, also through a strategic exploitation of the turn-taking system, is patent:





Figure 7. Daredevil in court

Source: [https://www.reddit.com/r/Daredevil/comments/a73ou8/now\\_thats\\_a\\_badass\\_lawyer/](https://www.reddit.com/r/Daredevil/comments/a73ou8/now_thats_a_badass_lawyer/)

Students were therefore asked to analyze the panels in terms of the turn-taking system reproduced in the exchange between the lawyer and the witness taking the stand, thus providing an interesting prompt to introduce, albeit briefly, issues relating to power and ideology in the legal field.

Indeed, it appears clear that the analysis of the texts selected as a corpus of analysis and the intersemiotic translations this article addresses could also help stimulate critical reflection on issues of context (both cultural and situational) and register, not only in terms of what Halliday (1978) names the field but, obviously, also in relation to mode and tenor, since in specialized sectors such as that of the law, power relations assume a fundamental importance.

Furthermore, other scenes from *Bones* (S5 E21) proved extremely useful to draw students' attention to the way in which, during a trial, the role of the various interlocutors changes from one turn to the next, as one of them (either the lawyer or the judge him/herself) generally dominates the lexical choice, which is clearly also determined by changes in topic or emphasis. This is what usually happens, for instance, when lawyers are questioning a witness on the stand and allocate the turns, with the result that if a witness self-selects, he/she is immediately reprimanded by the lawyers or the judge him/herself.

During the following phase of the courses, brief scenes from the television show *Drop Dead Diva* (which, despite representing rather weak legal plots, has the advantage of being a product of light entertainment) were viewed to illustrate the specialized status of legal language. The students were then asked to identify, in the brief videos proposed (S4 E2, 00:33:06-00:33:24), examples of technicisms, auto-referentiality, numerals, ritualistic language, modals, etc. Similarly, extracts from *The Good Wife* (S1 E6) were used to focus the students' attention on the impersonal tone and the use of the inclusive "we" made by lawyers, as well as the rare use of personal pronouns and more formal substitutes such as "the said" or "the aforesaid" (Butt, 2013: 278).



After viewing some extracts from the Jodi Arias trial (online), the students were then also required to find examples, in all the (filmic and written) texts used up to this stage of the course, of words of Latin origin (identifying their etymological origin to gain a better understanding of the meaning – and its possible translations) ; actual Latin expressions (versus, affidavit, alibi), noticing whether they were translated into current English; words of French origin (bail, bailiff, Court); ritualistic language (The truth, the whole truth, and nothing but the truth, so help you God), etc.

Subsequently, I carried out a discussion on the same kind of strategy exploited in real courtrooms, using other filmed extracts of actual trials (in particular the Deborah Moss trial, online), whereas I referred to scenes from the recordings of the Ricky Chavis trial (online) to illustrate how actual lawyers resort to re-lexicalizations and/or repetitions to emphasize a particular element in an attempt to bring the jury to focus on it (something which is usually met with the objection “asked and answered” on the part of the opponent lawyer), and to illustrate how, during the closing arguments, lawyers often resort to these strategies to summarize various elements that emerged during the various testimonies.

At this stage of the course, I resorted once more to comic art, so as to present some of the features of the spoken language used in the courtroom discussed previously in a different modality. Thus, I employed some panels from the comic book series *Public Defender in Action*, asking students to analyze them in order to identify the features identified above as typical of legal language:



Figure 8. *Public Defender in Action*

Source:

<http://crimeandpunishmentcomics.blogspot.com/2011/12/public-defender-in-action-mercy-of.html>



Figure 9. *Public Defender in Action*

Source:

<http://crimeandpunishmentcomics.blogspot.com/2011/12/public-defender-in-action-mercy-of.html>



Figure 10. *Public Defender in Action*

Source:

<http://crimeandpunishmentcomics.blogspot.com/2011/12/public-defender-in-action-mercy-of.html>

Students were therefore asked to translate intralinguistically the difference between “counsellor” and “public defender”, as well as other words and expressions typical of legal English found in such panels (for instance: “to hold Court”, “the mercy of the Court”, “pending date of trial”, “plead”, “sentence suspended”).

Moreover, since these panels represent various actants and different types of communicative exchanges, I decided to expand the discussion of issues related to register, which Halliday defines as a “configuration of meanings that are typically associated with a particular situational configuration of field, mode, and tenor” (1985: 38-39) and therefore depends, among other things, on the participants taking part in the communicative exchange and their relationship. Thus, with a view to illustrating the various degrees of specialization that legal

language (as any other specialized language) may assume, the television legal drama *How to Get Away With Murder* appeared particularly interesting. Indeed, the first series of the show – which was later to become one of the many series relating to murders, lies, cover ups, etc. – is quite innovative. This is because the university setting enables the representation not only, as in other shows, of the intraspecialistic (when lawyers talk among themselves or address a judge), interspecialistic (when lawyers deal with expert witnesses or the police) and popular level (when lawyers interact with their clients, the press, etc.), but also, explicitly, the didactic level which is usually left implicit (in the relationship, for example, between the young and old partners represented in *The Good Wife*, etc.).

Thus, what makes *How to Get Away With Murder* particularly relevant from a didactic point of view is the fact that the television show is actually set in a teaching environment, something which I thought students might easily relate to, even though the situations portrayed on screen have perhaps little resemblance to the scenarios of their own university lectures.

I finally required students to complete the shared table which was created during the initial phase of the courses by inserting all the legal terms and expressions encountered during the various lessons and assigning them either to written legal language or to spoken legal English.

Through these activities, students were therefore able to observe many (if not all) of the characteristics generally ascribed to legal language in English, both in its written and its spoken form and, in order to complete the description of the main features of legal language, I then moved on to a more substantial use of actual audiovisual materials, such as the recordings of real trials partially exploited during the preceding phases of the courses, in order to show how courtrooms really work, asking students to identify the similarities and the differences between the scenes taken from these recordings and the fictional tv series exploited earlier in the courses.

### *3.3 Issues of Interlinguistic and Cultural Translation*

As mentioned above, by analyzing some of the products exploited during the courses in their dubbed versions, it was possible to note how not only other legal languages, but also the different systems they represent, work. For instance, by showing students extracts from *Drop Dead Diva* (S4 E1, 00:27:32-00:27:36) both in English and in Italian, and integrating this teaching unit with other reading activities of written texts such as *Rules for evidence* (online), I was able to focus on linguistic and translation issues and draw students' attention to the differences in the formulaic language used in British and Italian courtrooms.

With a view to further emphasizing the cultural aspects of legal language, I then used some extracts from the seventh episode of the ninth season of the television series *Midsomer Murders*, where the cultural differences between American and British (as well as Italian) legal systems appear immediately evident. Indeed, although the scenes selected are equally set in a courtroom, the personal distance between the various actants instantly appears very different, in that, in the British courtroom, the defendant sits isolated in the dock, which renders her both more visible and more vulnerable, in so far as, contrary to her American counterparts, she is unable to rely on the proximity of her lawyer. Furthermore, by representing the judge

appointed to the case in the traditional red and white coat, the TV show enabled me to elaborate on the discussion on metaphors within the legal field, introducing the word “ermine” as a way to refer to British judges. Yet, during the courses, I brought to the students’ attention the fact that, even though the various actants represented on screen appear more respectful of the turn-taking system, avoiding interruptions and back channel noises, also in the British series lawyers resort to metaphorical and vivid images (using expressions such as “pool of blood” and “move in on a target”), emotive and connotative adjectives, nouns and verbs (like “sickening”, “claws” and “manipulate”), re-lexicalizations (“[she] killed, that is to say battered to death”) and specific intonation patterns. The latter, in the episode selected for this study, are exploited for example by the prosecutor to assign a negative meaning to positive lexical items (as with the adverb “meekly”, which is used to suggest the defendant’s hypocrisy) and emphasize specific expressions, such as “old school friend” and “friend”, which are cohesively repeated various times in a very short span of time, and on one occasion appear together with the adjective “supposed”. By so doing the prosecutor is able to suggest, once again, the defendant’s hypocrisy, implicitly accentuating the particular heinous nature of this crime. In sharp contrast to this depiction of the defendant, the victim is represented by the prosecutor through positive images and lexical items, exploiting adjectives such as “loving” (“loving wife” and “loving mother”) and emphasizing her role within the family constellation and society at large.

Naturally, as I emphasized during my courses, various linguistic elements are common to both contexts of situations. For instance, also within the British tv show, lawyers are depicted as exploiting yes/no questions so as to elicit the preferred answer and, in a similar way to the series previously discussed, they adopt legal terminology (“cross-examine”, “witness”, “defendant”, etc.) as well as formulaic expressions (“no further questions”, “your Honour”) and ritualistic language (“the truth, the whole truth and nothing but the truth”).

The discussion of cultural issues naturally allowed me to introduce, albeit succinctly, the main differences between Common Law and Civil Law systems, thus furthering the students’ understanding of the legal field. This aspect appeared particularly relevant to the students of modern languages attending my courses, since these cultural differences have a great impact also on the interlinguistic translation of legal language, which often, as in other fields as well, has to be conceived as a cultural mediation (see for instance Galdia, 2003).

Clearly, owing to time constraints, the issue of interlinguistic legal translation, on which various scholars have focused throughout the years (see for instance: Šarčević, 1997; Garzone, 2000; Harvey, 2002; Longinotti, 2009), could not be adequately addressed during these introductory courses. However, showing the same product in two languages enabled the students to appreciate some of the main differences between English and Italian legal language. Among the many, the use of binomials appeared rather evident, since students immediately realized that, whereas English relies a great deal on these forms, a legacy of the Norman Conquest (Gotti, 2011: 38), they are generally absent in Italian. This, coupled with similar observations, allowed students to realize that Italian legal language (while highly specialized) is less distant from plain and ordinary language than its English counterpart, an aspect of fundamental importance when approaching a legal text with a view to translating it interlinguistically.



### *3.4 Final Phase*

The final phase of the courses was dedicated to some revision and pre-exam activities, which were conceived to assess the students' knowledge and could also work as a self-assessment tool in view of the final exam. Thus, during the last two hours of the course, students were asked to translate various texts originally written in "legalese" intra and interlinguistically, resorting to different types of tools (from bilingual and monolingual dictionaries of general English to corpora and other internet resources such as the Black's law dictionary or the Pluris data base). The results showed that most students were able to translate intralinguistically the texts into plain English and, in the majority of cases (80%), they adopted plain language also during the interlinguistic translation phase.

## **4. Conclusion**

The possible awareness-raising activities this paper has outlined can obviously be conceived either as top-down or bottom-up. Although it has only offered a partial and preliminary approach to ELP, the path suggested here could result in a stimulating syllabus, if integrated with other activities and materials it was not possible to present for reasons of space. Not only this, but because these products often address social and moral dilemmas, they can be exploited to make students focus on contemporary issues, not only as students of foreign languages but also as members of society.

Indeed, if it is true that television series do not always integrate the discussion of ethical issues such as client autonomy, they nevertheless often encourage critical reflection. Naturally, the main objective of these products is, fundamentally, to entertain, and they cannot actually "teach" in a canonical sense. Yet, by possessing a high incidental educational value, if effectively adapted by ELP teachers, they are likely to become useful tools in a learning context.

In a similar way, comics could become valid teaching resources (Syma & Weiner, 2013), since this form of intersemiotic translation (especially when the students' level of English is not particularly high) can prove more comprehensible. Indeed, the spoken language of audiovisual products can create difficulties to beginners or lower intermediate students, especially when the pace of the enunciation is fast, particular accents or linguistic varieties are used or several different characters overlap and speak at the same time. On the contrary, the written language of comics allows students to read the text according to their own pace, enables them to stop, re-read, check in the dictionary the meaning of various words and expressions, etc. Furthermore, as various researchers have suggested, most people, irrespective of their age, relate very positively to comics (Hassett & Schieble, 2007; Sabin, 2016), since this textual typology enables them to grasp even complex notions fairly easily.

Indeed, because of the strategic combination of visual elements and intralinguistic strategies – which often translate specialized language into plain English or, through amplification strategies, make the texts accessible to most people, including non-specialists and foreigners – comic art appears as a privileged tool in learning environments.

This is the reason why, although during my courses prominence was given to audiovisual products (Note 4), on the occasions when comics were exploited, students felt even more stimulated and motivated, since they became aware of the pervasiveness of legal language also in the products they enjoy in everyday life.

As my courses and the research on which they rest testify, the potentialities of both intersemiotic and intralinguistic translation in a teaching environment appear evident, in so far as, by making specialized texts more comprehensible, they facilitate students' learning process.

Not only this but, as demonstrated by the activities students were asked to complete during the concluding phase of the courses and their performance during the final exams, when these strategies are adopted also when translating interlinguistically, and used in synergy with one another, they enable the realization of target texts which can prove comprehensible to the majority of readers.

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## **Filmography**

*Bones*, Hart Hanson, Fox, 2005 – 2017.

*Drop Dead Diva*, Josh Berman, Fox Life, 2009 – 2014.

*How to Get Away With Murder*, Peter Nowalk, ABC, 2014 – in production.

*Law and Order*, Dick Wolf, NBC, 1990 – 2010.

*Midsomer Murders*, Anthony Horowitz, ITV, 1997 – in production.

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*The Good Wife*, Robert King e Michelle King, CBS, 2009 – 2016.

*The Goof Fight*, Robert King, CBS, 2017 – in production.

## Notes

Note 1. For instance, whereas situations such as those captured on video and accessible on various websites seem quite common, during the seven series of *The Good Wife*, there are very few occasions in which the situation gets out of hand in the courtroom, the most famous resulting in the death of one of the protagonists of the series (S5, E15).

Note 2. Indeed, often the explanations we find in the shows are introduced so that the various characters can follow what is happening within the intradiegetic world of the fiction. Since, these explanations often appear redundant, they are justified only if we consider the extratextual receiver.

Note 3. This aspect is less prominent in the comics analyzed here, where legal language is often unmediated. Because of this, these products can be beneficially adapted by teachers and become the starting point of various activities.

Note 4. This choice was also determined by the level of English of the students attending my courses. As third-year students, they were in fact able to follow without any problem the spoken language of the audio-visual products selected for the courses. It must be however noted that, as mentioned above, in the presence of beginners or lower intermediate students, the adoption of texts such as comics would be preferable.

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